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To:	Gregory Todd	**Fax:**	703-872-9306
From:	Jordan Du Val	**Date:**	June 10/05
Re:	Application No. 09/965,593	**Pages:**	
cc:			

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Dear Ms. Todd,

Please find attached my revised response to your examination of my patent application.

Application No. 09/965,593

If you have any questions please feel free to contact me at your convenience.

Best Regards,

Jordan Du Val

c- 408-242-5469

m- 408-245-8932

Application/Control Number: 09/965,593
Art Unit: 2157

June 10, 2005

Patent Defense for application number 09/965, 593
Filing date: 09/25/2001

Examiner: Gregory Todd

Response to DETAILED ACTION

1. Dear examiner, please find below my response to your comments regarding the assessment of my patent application. Thank you for your time and consideration regarding this matter.

Response to Specification

2. Please find below the most recent information regarding patent and/or application numbers from related applications:

   6,832,388 B1– Duval: Personal computer used in conjunction with a TV to display information related to television programming.
   6,898,571 B1– Duval: Advertising Enhancement using the Internet
   6018768 – Ullman,
   6326982 – Wu,
   6430743– Matsuura,
   643875– Voyticky ,
   2003/0005463 A1 Macrae

Drawings

3. We believe the figures accurately show the structure of the invention now that references to the fourth computer have been removed from the patent claims.

Claim Objections

4. The term Updation has be replaced by the more common term, "Update" in the claims.

Claim Rejections – 35 USC § 112

5. Issue: regarding claims 33 and 34 recite the limitation of fourth computer.

Resolution: We agree with the examiner that there is insufficient evidence in the body of the patent to support the presence forth computer. While the fourth computer is still technically relevant, it is also obvious and not critical to the invention and can be deleted. Claims 33 and 34 have been canceled in response to this claim rejection.

Claim Rejections – 35 USC § 102

6. – N/A – noted.

7. We respectfully submit to the examiner that Purnaveja is unrelated to Duval on the basis it employs a dissimilar and incompatible media type for the delivery of audio-visual contend ask that Claim 1-2, 4-7, 9-10, and 23-30 be allowed.

Purnaveja is dissimilar for the following reasons: as the examiner has already noted that streamed media has similar characteristics but not identical to traditional broadcast media. Both media types could both contain Audio, video and embedded data. Dissimilarities lie in the nature of broadcast video (either analog or digital) where embedded content is typically captured and brought to the IP domain using a specialized box or TV tuner card. IP data is all by definition in an IP format from creation to usage there is no "cross-over" to the IP domain, which is the primary objective of the Duval's patent. Streamed media by its very nature lives solely in the IP domain. Thus the necessary infrastructure to capture and distribute interactive content using either a client-side [prior art in the ATVEF standard] or [in Duval's case] server-side method is completely irrelevant. Duval is dissimilar with Purnaveja as a complex infrastructure to bring content embedded in a Non-IP based (i.e. Television) to the IP domain is unnecessary redundant in Purnaveja.

Incompatible: While Purnaveja teaches a computer-implemented method for distributing interactive data synchronized with a performance of audio-visual content. The methods employed and nature of the audio-visual content is very different. Purnaveja relies on audio-visual content delivered over the Internet. His patent goes to great lengths to describe the encoding process, authoring, and delivery of the audio-video content over the Internet. Purnaveja in his claims relies solely on "video streams from a stream server over a computer network" (in all his claims 1, 2, 3...). This audio-video delivery method is different and incompatible with Duval's. From a typical user experience you can't watch two video events audio, video and data at the same time.

Duval's invention is unique in that employs standard broadcast TV content over traditional delivery methods and separates the embedded interactive IP content from the video using a server "Distributor" before it reaches the ender viewer. Purnaveja's approach is unified all the audio/video/data are processed for viewing at the client side.

Duval's invention sole purpose is to content two previously disparate media formats traditional broadcast video and the Internet. Duval's invention relies on industry standard methods of encoding and authoring data and builds a scalable infrastructure to

disseminate interactive contact existing in traditional broadcasts. It on does not need, use, or describe the proprietary encoding and authoring process required for Purnaveja. Purnaveja's encoding method is in fact incompatible with ATVEF standards that Duval relies on.

Claim Rejections – 35 USC § 103

8. Noted: basis for all obviousness rejections.

9. We respectfully submit to the examiner that Weinstein's invention is not related to Duval's on the basis that it does not teach any method for linking interactive content to a plurality of broadcast channels via any scalable method for distributing interactive link information.

   Dissimilar: Weinstein mostly teaches User Interface elements for the display of combined interactive content, which is not in the scope of Duval's application. Weinstein also does not teach any means for the user to access interactive content on the display, other than simply typing a homepage URL. The extraction and delivery to the user of a "click able" hyperlink to content is main purpose of Duval's invention.
   In column 7, line 25 Weinstein teaches "selecting a webpage, such as an initial page or page, at which the particular individual recipients can begin receiving web content." It does not describe a method describing a method of "distributing the interactive data to the plurality of users... wherein the distributing is synchronized with the ... audio-visual content". [Duval claim 1, or other claims, as seen in a overview in Fig 5A]

Weinstein also cites in an alternative embodiment that the [column 8, line 49] "the broadcast television signal can include much other information such as to web content (URLS or embedded web objects), in the VBI ... However Weinstein goes on to say that system 100 can use this other information to display options to the individual recipients. This method is known and is common in the industry for dealing with interactive content. [See the Advanced Television Enhancement Forum, www.atvef.com] Again Weinstein does not teach on matters related to Duval's invention, The extraction and delivery to the user of a "click able" hyperlink to content. Duval teaches another method wherein the embedded links are decoded on a "Distribution Server – 102 [Duval fig 5A] and sent via Duval's invention to the User-Client –115 [Duval fig 5A] recipient's computer.

Un-combinable: Finally, simply combining Weinstein and Purnaveja would NOT give any insight to Duval's invention. As argued above Weinstein and Purnaveja do not teach separate or in a combined fashion elements of Duval's invention. Further more Duval's invention is not an obvious extrapolation of their work. 6018768 – Ullman, 6326982 – Wu, 6430743– Matsuura, 643875– Voyticky , and 2003/0005463 A1 Macrae (to name but a few) are examples of prior art on how other inventors tried to cope with a similar problem merging video with interactive content.

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Certainly there can be many novel inventions related to addressing the issue of interactive content delivery. However, Duval is unique in the field with its distributed infrastructure containing 102 "Distributor" and the linked to a 104 Web Server Cluster extraction and delivery to the user of a "click able" hyperlink(s) to content. These elements are unique to Duval and essential for this invention to work. As indicated earlier simply combining the two inventions could not operate, as the incompatible data types could not produce desired results. Purnaveja relies on IP streaming (audio/video) server, associated authoring, and encoding to achieve interactivity. This method could not work using a "typical" broadcast video source such as the ones cited by Weinstein and Duval. This method has no means to get the interactive data to the user other embedding it in the streamed content. Similarly applying Purnaveja to Weinstein would not produce useful results. Even if the two methods of content delivery were compatible from an Audio, Video and dataflow perspective (which they aren't), simply combining them would not lead to insights and elements in Duval's invention.

Purnaveja relies on streamed video content off the Internet, while Weinstein relies on traditional broadcast for its video. Purnaveja combines the audio/video and interactive data into a proprietary stream for the user's computer to decode and display using a proprietary viewer. Weinstein relies on the user typing a standard IP address [URL] into a web browser to access a "home page" in order to receive interactive data or alternatively having a TV Tuner [IF card] present in the users system to detect and decode embedded signals in the VBI which can be combined with the "home page data" if present. [This process is known to all skilled in the art.] Both cases either combined or separately could NOT possibly envision Duval's invention [Duval claim 1, or other claims].

10. Please consider the above agreements review the above rebuttal and please allow my claims as now stated.

11. I'm available to discuss this matter at your convenience, phone: 408-242-5469.

Thank you, for your consideration.

Best regards,

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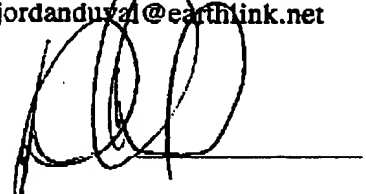

June 10, 2005